

**IN THE HIGH COURT OF ORISSA AT CUTTACK****RPFAM NO.417 of 2023**

(An application U/S. 19(4) of the Family Courts Act, 1984).

Madan Kumar Satpathy* ... *Petitioner

-versus-

Priyadarshini Pati* ... *Opposite Party

For Petitioner* : *Mr. A.C. Panda, Advocate

For Opposite Party* : *Mr. R.C. Ojha, Advocate

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:07.02.2025(ORAL)

G. Satapathy, J.

1. This revision by the petitioner-husband seeks to assail the impugned judgment dated 14.09.2023 passed by the learned Judge, Family Court, Rourkela in Criminal Proceeding No. 05 of 2014 directing the petitioner-husband to pay a sum of Rs.8,000/- per month to the OP-wife for her maintenance in an application U/S.125 of the CrPC.

2. Heard, Mr. Anam Charan Panda, learned counsel for the petitioner-husband and Mr. Ramesh



Chandra Ojha, learned counsel for the OP-wife in the matter and perused the record.

3. On a careful scrutiny of the impugned judgment together with the material placed on record, it appears to the Court that the relationship between the parties is never disputed and it is accepted that the petitioner is the husband of OP, but due to dissension, the OP has filed an application for grant of maintenance to her to be paid by the petitioner-husband. In deciding the matter, the learned trial Court has assessed the income of the petitioner-husband by taking into account his admitted net home take salary at Rs.32,541/- per month, out of the gross salary of Rs. 45,362/-. It is also not in dispute that the petitioner-husband has a dependent mother. It is found from the impugned judgment that the OP-wife has filed a disclosure affidavit showing her assets and liabilities in terms of the law laid down by the Apex Court in ***Rajnish vs. Neha and another; (2021) 2 SCC 324*** and in such disclosure affidavit, the OP-wife has described herself as jobless, but she in her cross-



examination at paragraph-25 has admitted that she was working in Grihasthi Udyog Pvt. Ltd., Rourkela in an occasion, and she had stated in an interview that previously she was working in NDTV. It cannot and should not be denied that the OP-wife is a Science Graduate having Post Graduation Diploma in Journalism and Mass Communication and the learned trial Court after taking note of these facts has also concluded that the OP-wife is a well-educated lady and can support herself financially by doing a suitable job, but at present the OP-wife is not working anywhere to earn her livelihood. The aforesaid facts go to show that not only OP-wife is a well-educated lady, but also she was previously working in some media houses, however, she has definite prospect to work and earn for her sustenance.

4. Law never appreciates those wives, who remain idle only to saddle the liability of paying maintenance on the husband by not working or not trying to work despite having proper and high qualification. It is found in this case that the OP-wife had earlier worked in some media houses and she has got definite prospect to work



and earn her livelihood. The intention and objective of legislature in enacting Section 125 of CrPC is to provide succor to those wives, who are unable to maintain themselves and have no sufficient income for their sustenance. The social objective behind the provision for grant of maintenance, if considered on the admitted facts as discussed in this case, it would go to disclose the wife's need and requirement to be balanced not only with the income and liability of the husband, but also has to be considered on the backdrop of the education and prospect of the wife to earn.

5. In view of the aforesaid facts and circumstance and taking into account the admitted income of the petitioner-husband and balancing it with the requirement of the petitioner-husband together with his dependent mother and taking into consideration the responsibility of the husband to maintain his wife, who in this case at the time of filing of application for grant of maintenance was jobless, but she having definite prospect to work and earn her livelihood, this Court considers that interest of justice would be best served, if the quantum of maintenance is reduced by Rs.3,000/- per month.



Accordingly, the petitioner-husband is liable to pay the maintenance @ Rs. 5,000/- per month to the OP-wife w.e.f the date of application and the balance arrear amount be accordingly calculated and paid to the OP-wife in cash in four bi-monthly installments with 1st installment commencing from 7th March, 2025.

6. In the result, this revision petition stands allowed in part on contest, but in the circumstance, there is no order as to costs. Ergo, the impugned order is modified to the extent indicated above.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 7th day of February, 2025/S.Sasmal*

Signature Not Verified

Digitally Signed
Signed by: SUBHASHMITA SASMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 10-Feb-2025 10:45:33

RPF No.417 of 2023